IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.MC.No. 3270 of 2007()

(CRIME NO.109 OF 2007 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE)

PETITIONERS;ACCUSED:DEFACTO COMPLAINANT:

1. **SHIJU JACOB, S/O.CHAKKO EAPEN, AGED 31 YEARS, VALLOKUNNEL PEACE VILLA, KATCHERIKUNNU, MAVOOR.**

2. **JISHA JACOB, S/O.JOB PULLIKKATHIL, AGED 28 YEARS, PULIKKOTTIL HOUSE, NEAR KALASAGAR, EDAKKARA POST, MALAPPURAM, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.M.FIROZ

RESPONDENT: RESPONDENT:STATE:

THE STATE OF KERALA, REPRESENTED BY THE SUB-INSPECTOR OF POLICE, MEDICAL COLLEGE POLICE STATION, CALICUT.

BY PUBLIC PROSECUTOR SRI. JIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J.

Crl.M.C.No.3270 of 2007

Dated this the 25th day of October 2007

O R D E R

The petitioners are the accused and de facto complainant respectively in C.C.No.433/2007 pending before the learned Judicial First Class Magistrate Court, Kunnamangalam. In that case, the first accused faces indictment for offences punishable under Sections 498A and 506 (i) I.P.C. The investigation is now complete. Final report has been filed. Cognizance has been taken by the learned Magistrate. The matter is pending before the learned Magistrate. In the meantime, the first petitioner/accused/husband and the second petitioner/de facto complainant/wife have settled all their disputes. The matrimonial tie has been put an end to. They have mutually agreed for a divorce. The disputes in the present case have been settled. The second petitioner/de facto complainant has compounded the offence allegedly committed by the first petitioner. In these circumstances it is prayed that the composition may be accepted and proceedings may be prematurely terminated by invoking the extraordinary inherent

jurisdiction under Section 482 Cr.P.C as explained in the decision of the Supreme Court in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386].

2. Both petitioners appear through the same counsel. The affidavits filed by the petitioners duly attested have been produced before the court. I am satisfied that the parties have settled their disputes and the second petitioner has compounded the offence allegedly committed by the first petitioner.

3. I am satisfied that this is an eminently fit case where the extraordinary inherent jurisdiction under Section 482 Cr.P.C as explained and enabled under the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] deserves to be invoked to bring to premature termination the prosecution against the first petitioner at the instance of the second petitioner.

4. This petition is accordingly allowed. C.C.No.433/2007 pending before the learned Judicial First Class Magistrate Court, Kunnamangalam against the first petitioner is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007